

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The claims have been rewritten to better comply with US practice and to define the invention with greater particularity over the art.

The amended claims make it clear that the bags are filled without being horizontally displaced and by pouring bulk material through a tube down into them while raising the tube in the bag. In addition the fact that the tube is displaced quickly downward and raised slowly has been claimed. The novel idea of filling the bags mostly by quickly dumping a predetermined volume into them and then topping them off accurately with a more controlled pour while monitoring weight is also claimed.

The main method and apparatus claims are of substantially the same scope.

The main reference cited against this case is US patent 5,771,665 of Nelson. This reference shows a system where a tube 36 is inserted downward into a suspended bag 30 (FIG. 6). Then bulk material is poured into the bag 30 to rip it free of its ties 18 (FIG. 7), causing the bag 30 to drop downward. Filling continues

as the bag descends (FIG. 8). At no time is the tube raised during the filling operation, instead a complex system is provided for holding the bag and guiding it as it drops. This is altogether different from the method and apparatus of this invention. No rejection under §102 or §103 is possible on Nelson.

In US patent 5,022,216 of Muckenfuhs a pair of conveyor belts 80 gripping a stack of objects 20 is inserted downward into a bag. Then the belts 80 are driven and simultaneously withdrawn to leave the objects 20 behind. While this is fairly clever, it does not constitute a system of pouring bulk material through a tube as in the instant invention and is, frankly, irrelevant to the instant invention. No-one seeking to improve on the Nelson system would look at the bag-packing system of Muckenfuhs. It would be impossible or very difficult to feed the objects 20 through a tube, and the belts 80 could not possibly be helpful in pouring bulk material. This reference is irrelevant to the instant invention.

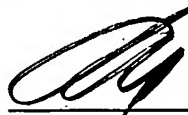
Finally US patent 5,140,802 of Inman has an arrangement for shooting ensilage or the like into a recumbent bag. There is no shifting of the fill tube relative to the bag, much less vertical movement, and no conveying of the bag to the fill tube. Instead the bag is apparently dragged behind the filling device. Once again this reference is nonanalogous and irrelevant to the instant invention.

No combination of the above-discussed references could form a valid §103 rejection of the claims now in the case.

For these reasons, all the claims in the application are in condition for allowance. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,  
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Enclosure:                      None.